

***The SANCHEZ
LAW FIRM***

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September 15, 1998

Ms. Magalie Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

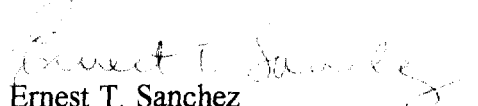
Re: Ken Mills Agency Petition for Rulemaking, Proposed Allocation of FM Channel
256C3 at Lennox, SD

Dear Ms. Salas:

Enclosed are an original and four copies of a Petition for Rulemaking, from the Ken Mills
Agency, proposing the allocation of FM Channel 256C3 at Lennox, S.D. as its first local service.

Please let me know if you have any questions about this filing.

Sincerely,


Ernest T. Sanchez
Counsel for The Ken Mills Agency.

Enclosures

Associated Office At El Paso, Texas

O+Y

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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SEP 15 1998

In the Matter of)
) MM Docket No.
Amendment of Section 73.202(b),)
Table of Allotments,) RM-
FM Broadcast Stations.)
(Lennox, South Dakota))
)

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

TO THE MASS MEDIA BUREAU

PETITION FOR RULEMAKING

1. The Ken Mills Agency ("Mills"), in accordance with Section 1.401 and 1.402 of the Commission's rules, hereby requests the amendment of the Table of Allotments of FM Broadcast Stations (Section 73.202(b)) to allocate FM Channel 256C3 to Lennox, South Dakota, as the first local broadcast service to the community.

2. Lennox, South Dakota is an incorporated city with a Mayor and six Alderman. According to the 1990 Federal Census, the city had 1,767 residents, but the mid 1997 estimated population was 1,926, according to the South Dakota Southeastern Council of Governments.

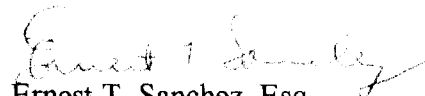
3. Lennox is located in the western part of Lincoln County, South Dakota, on South Dakota Highway 44, five miles west of Interstate Highway 29. The community is also served by the Burlington Northern Railway.

4. Lennox has a post office, a zip code (57039), a police and fire department, library, newspaper, and a school system, including a high school. Lennox has 98 individual businesses, including two banks, and is home to the Lennox Area Medical Center. While the city is served by seven churches, no radio or television stations have been allocated to the community.

5. The Ken Mills Agency has commissioned the attached allocation study and technical analysis, which supports the feasibility of the proposed Lennox allocation. The technical statement concludes that channel 256C3 can be allocated to Lennox in full accordance with the Commission's rules and technical requirements.

6. The Ken Mills Agency requests that the Commission issue a Notice of Proposed Rulemaking, proposing the allocation of FM Channel 256C3 to Lennox, South Dakota.

Respectfully Submitted,
The Ken Mills Agency


Ernest T. Sanchez, Esq.
Its Counsel

Law Offices of Ernest T. Sanchez
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GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULE MAKING
KEN MILLS AGENCY
ALLOT CHANNEL 256C3
LENNOX, SOUTH DAKOTA
September 1998

TECHNICAL EXHIBIT

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PETITION FOR RULE MAKING
KEN MILLS AGENCY
ALLOT CHANNEL 256C3
LENNOX, SOUTH DAKOTA
September 1998

TECHNICAL STATEMENT

1. This Technical Statement and attached exhibits were prepared on behalf of Ken Miles Agency ("KMA"), the petitioner seeking the allotment of Channel 256C3 to Lennox, South Dakota. The allotment will provide Lennox with its first local transmission service.

DISCUSSION

2. The city of Lennox, South Dakota, is located in the western portion of Lincoln County, South Dakota. Lennox is an incorporated city with a population of approximately 1,926 persons (up from 1,767 in the 1990 Census).¹ Lennox presently has no licensed AM or FM facilities. The allocation of Channel 256C3 would, therefore, provide the community with its first local transmission service.

REQUEST

3. Channel 256C3 can be allotted to Lennox, South Dakota, with a site restriction of 1.0 kilometer west-southwest of the community to avoid shortspacing KEEZ-FM, Channel 256C1, Mankato, Minnesota. Channel 256C3 can be allotted at geographic coordinates North Latitude 43° 21' 24" and West Longitude 96° 54' 05". Exhibit #1 is a map which visually demonstrates where a transmitter site for Channel 256C3 can be located to provide the requisite

1) This data was provided by the South Dakota Southeastern Council of Governments (1997).

city grade coverage to Lennox. Exhibit #2 is a §73.207 spacing study which shows that from the proposed allocation site, Channel 256C3 meets the spacing requirements to all existing, applied for or proposed facilities. From the reference site, a 3.16 mV/m contour will be placed over 100% of the city of Lennox.

4. Therefore, KMA requests the following amendment to §73.202(b) of the rules:

Lennox, South Dakota

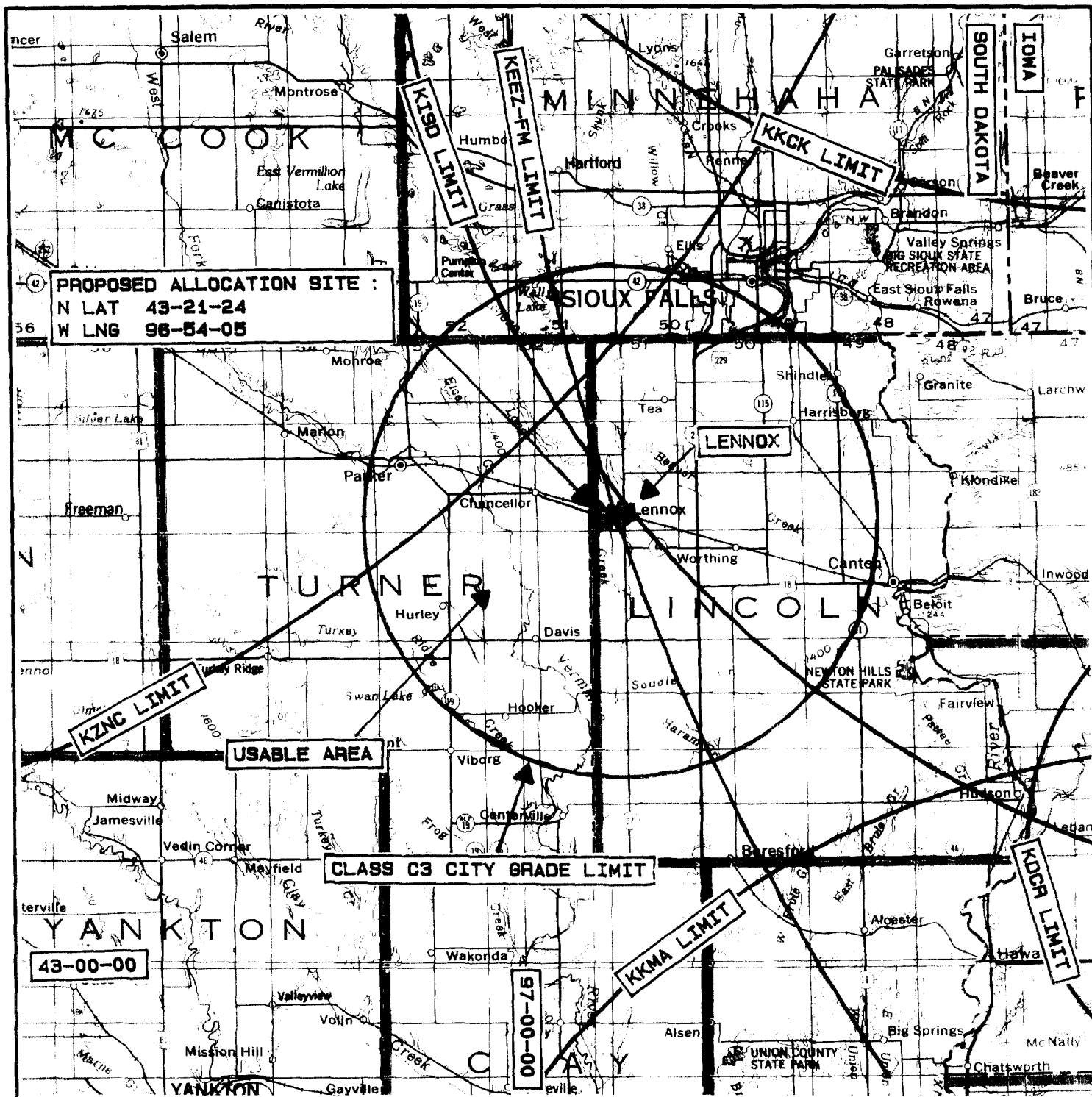
<u>Present</u>	<u>Proposed</u>
None	256C3

PUBLIC INTEREST

5. The allotment of Channel 256C3 to Lennox, South Dakota, will provide the first local service to the community. A maximum Class C3 facility will deliver a 1.0 mV/m signal to 135,202 persons in 4,750 square kilometers (from the reference site).² When Channel 256C3 is allocated to Lennox, KMA will file, on a timely basis, the appropriate expression of interest or an application for a construction permit, whichever is necessary, seeking authority to construct a new FM facility at Lennox, South Dakota.

6. The foregoing Technical Statement was prepared on behalf of Ken Mills Agency by Graham Brock, Inc., its Technical Consultant. All information relating to the FM allocations and facilities was extracted from the NTIA database as updated on August 28, 1998. We assume no liability for errors or omissions in that database which may be adverse to the requests contained herein.

²) 1990 population data extracted from PL 94-171 files.

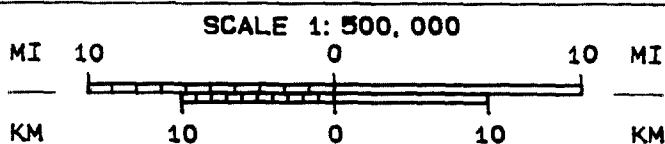


USABLE AREA CHANNEL 256C3

MAP IS A PORTION OF THE 1: 500,000 SCALE
U.S.G.S. MAP OF SOUTH DAKOTA AND IOWA.

EXHIBIT #1
PETITION FOR RULE MAKING
KEN MILLS AGENCY
ALLOT CHANNEL 256C3
LENNOX, SOUTH DAKOTA

September 1998



GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

ALLOCATION STUDY FOR LENNOX, SOUTH DAKOTA
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS C3	DISPLAY DATES
43 21 24 N		DATA 08-28-98
96 54 05 W	Current rules spacings	SEARCH 09-01-98
----- CHANNEL 256 - 99.1 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD256	256C3	Lennox	SD	0.0	0.00	153.0	-153.00
AD	43 21 24	96 54 05	0.000 kW	0M	0.0	95.1	
Ken Mills Agency							
KEEZFM	256C1	Mankato	MN	71.3	211.00	211.0	0.00
LI CN	43 56 14	94 24 41	100.000 kW	262M	131.1	131.1	
Gemini Broadcasting Co. BMLH-801215AL							
KISD	254C	Pipestone	MN	51.6	97.70	96.0	1.70
LI CN	43 53 52	95 56 50	100.000 kW	309M	60.7	59.7	
Wallace Christensen BLH-970506KE							
KZNC	256A	Huron	SD	316.8	152.15	142.0	10.15
LI CN	44 20 46	98 12 34	3.000 kW	56M	94.6	88.3	
Three Eagles of Huron, Inc. BMLH-950804KZ							
KKMA	258C1	Le Mars	IA	151.5	110.42	76.0	34.42
LI CN	42 28 56	96 15 30	100.000 kW	241M	68.6	47.2	
KLEM, Inc. BLH-781206AE							
KKCK	259C1	Marshall	MN	24.3	113.04	76.0	37.04
LI CN	44 16 56	96 19 05	100.000 kW	282M	70.3	47.2	
KMHL Broadcasting Company BLH-890627KB							
KDCR	203C1	Sioux Center	IA	115.7	67.25	24.0	43.25
LI CN	43 05 34	96 09 23	100.000 kW	151M	41.8	14.9	
Dordt College, Inc. BLED-960125KG							

ALLOCATION STUDY CHANNEL 256C3

EXHIBIT #2
PETITION FOR RULE MAKING
KEN MILLS AGENCY
ALLOT CHANNEL 256C3
LENNOX, SOUTH DAKOTA

September 1998

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Ken Mills Agency to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

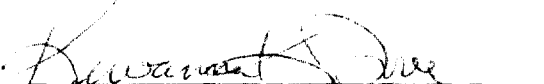
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 1st day of September, 1998.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 1st day of September, 1998*



Notary Public, State of Georgia
My Commission Expires: April 20, 2002